



January 26, 2007

SENATE BILL No. 190

DIGEST OF SB 190 (Updated January 24, 2007 3:56 pm - DI 110)

Citations Affected: IC 16-42.

Synopsis: Food establishment sanitary requirements exception. Removes an expiration date from a statute providing an exception to certain food establishment sanitary requirements for the sale of food at events benefiting certain organizations.

Effective: July 1, 2007.

Drozda, Riegsecker, Rogers, Merritt

January 8, 2007, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.
January 25, 2007, reported favorably — Do Pass.

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SB 190—LS 6843/DI 96+



January 26, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 190

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-42-5-4, AS AMENDED BY P.L.138-2006,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 4. (a) An organization that is:

4 (1) organized for nonreligious or noneducational purposes;

5 (2) exempt from the state gross retail tax under
6 IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or
7 IC 6-2.5-5-21(b)(1)(D); and

8 (3) that offers food for sale to the final consumer at an event held
9 for the benefit of the organization;

10 is exempt from complying with the requirements of this chapter that
11 may be imposed upon the sale of food at that event if the events
12 conducted by the organization under this section take place for not
13 more than thirty (30) days in a calendar year.

14 (b) An organization:

15 (1) that is organized for:

16 (A) religious; or

17 (B) educational purposes in a non-public educational setting;

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(2) that is exempt from the state gross retail tax under IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D); and

(3) that offers food for sale to the final consumer at an event held for the benefit of the organization;

is exempt from complying with the requirements of this chapter that may be imposed upon the sale of food at that event unless the food is being provided in a restaurant or a cafeteria with an extensive menu of prepared foods.

(c) A restaurant or cafeteria setting described in subsection (b) does not include the following:

(1) A pitch in.

(2) A bake sale.

(3) A fish fry, chili supper, spaghetti supper, or similar event with a limited menu.

(4) Food prepared by a licensed retail food establishment.

(5) A concession stand.

(6) Heating or serving precooked foods.

(7) Preparing or serving a continental breakfast such as rolls, coffee, juice, milk, and cold cereal.

(8) Preparing or serving nonalcoholic or alcoholic beverages that are not potentially hazardous beverages or ice.

(9) Preparing or serving packaged or unpackaged foods that are not potentially hazardous foods, including elephant ears, funnel cakes, cotton candy, confectionaries, baked goods, popcorn, and chips and grinding coffee beans.

(10) Providing prepackaged food in the food's original package.

(d) This section does not prohibit an exempted organization from waiving the exemption and applying for a license under this chapter.

(e) It is recommended that an organization that is exempt under this section should still follow safe food handling practices.

~~(f) This section expires January 1, 2008.~~

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SENATE MOTION

Madam President: I move that Senator Riegsecker be added as second author of Senate Bill 190.

DROZDA

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 190.

DROZDA

SENATE MOTION

Madam President: I move that Senator Merritt be added as coauthor of Senate Bill 190.

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COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 190, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 190 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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